

BOARD BILL NO. 295 INTRODUCED BY ALDERMAN CRAIG SCHMID

1 An ordinance repealing Ordinance 63784, approved on June 11, 1996, pertaining to
2 the preservation of the public peace and safety in the City of St. Louis and for the residents thereof
3 by establishing a curfew applicable to juveniles and regulating their presence in public streets, alleys,
4 right-of-ways and other similar places and defining the duties of parents and guardians of juveniles
5 and providing for their violation thereof and enacting in lieu thereof a new ordinance pertaining to
6 the same subject matter and containing penalty, severability and emergency clauses.

7 WHEREAS, the Board of Aldermen hereby finds there has been a significant
8 breakdown in the supervision normally provided by certain parents and guardians of juveniles under
9 seventeen (17) years of age resulting in juveniles being involved in a wide range of unacceptable
10 behavior including vandalism, noisy and rowdy behavior, breaking glass, breaking and entering,
11 public drinking, littering and harassment of residents and gang activities; and

12 WHEREAS, the Board of Aldermen hereby further finds that juveniles under seventeen (17)
13 years of age are endangered by being out on public streets, alleys, right of ways and other similar
14 places after certain late hours at night and during very early hours in the morning;

15 WHEREAS, the Board of Aldermen hereby finds that the younger a juvenile is the more at
16 risk such person is when out on the street at inappropriate times;

17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

18 **SECTION ONE.** Ordinance 63784, approved on June 11, 1996, is hereby repealed
19 and in lieu thereof the following new ordinance is enacted.

20 **SECTION TWO.** The following words shall have the following definitions as used

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1 in this ordinance:

2 (I) "Juvenile" or "Minor" is any person under the age of (17) seventeen.

3 (ii) "Parent" is any natural or adopted parent, any person having legal custody of a
4 juvenile, or an adult that has assumed responsible custody and control of said juvenile.

5 (iii) "Remain" means to stay behind, to tarry and to stay unnecessarily upon the
6 streets, alleys, right-of-ways or similar places.

7 (iv) "Knowingly" shall be defined as knowledge which a parent should reasonably
8 be expected to have concerning the whereabouts of a juvenile.

9 **SECTION THREE.** A. It shall be unlawful for any juvenile under the age of five
10 (5) years to be or remain in or upon the streets, alleys, sidewalks or other similar places within the
11 City of St. Louis during the period ending at 5:00 a.m. and beginning at 8:00 p.m. every night of the
12 week, except as provided in this ordinance.

13 B. It shall be unlawful for any juvenile who is at least five (5) years of age and under the age
14 of eleven (11) years to be or remain in or upon the streets, alleys, sidewalks or other similar places
15 within the City of St. Louis during the period ending at 5:00 a.m. and beginning at 11:00 p.m. on
16 Friday and Saturday nights and at 10:00 p.m. on all other nights, except as provided in this
17 ordinance.

18 C. It shall be unlawful for any juvenile eleven (11) years of age or older to be or remain in
19 or upon the streets, alleys, sidewalks or similar places within the City of St. Louis at night during the
20 period ending at 5:00 A.M. and beginning at 11:59 P.M. on Friday and Saturday Night and at 11:00
21 P.M. on all other nights, except as provided in this Ordinance.

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1 **SECTION FOUR.** Exemptions to curfew restrictions.

2 The provisions of this ordinance shall not apply to any juvenile who:

3 (i) is accompanied by the parent of such juvenile or by a person over the age of
4 twenty-one authorized by a parent.

5 (ii) is over the age of fifteen (15) years and is returning home by a direct route from
6 such person's place of employment.

7 **SECTION FIVE.** "Parental Responsibility". It shall be unlawful for a parent after
8 receiving a written warning notice pursuant to Section Six of this Ordinance to knowingly permit
9 a juvenile to remain upon any city street, alley, right-of-way, or similar place under circumstances
10 not constituting an exception to, or otherwise beyond the scope of, the curfew ordinance.

11 **SECTION SIX.** "Enforcement Procedure". If a police officer reasonably believes
12 that a juvenile is on the streets in violation of the curfew ordinance, the officer shall notify the
13 juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his
14 or her name, address and telephone number and how to contact his or her parent. In determining the
15 age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's
16 license, or permit, a police officer on the street shall use his/her best judgment in determining age.
17 If the police determine that a person is in violation of this ordinance he shall take the juvenile to the
18 police station or other appropriate holding facility where a parent shall immediately be notified to
19 come for the juvenile whereupon they shall be questioned, and a written warning notice shall be
20 issued to both the juvenile and the parent or parents, and the Division of Family Services. However,
21 this does not preclude a police officer, using his discretion, from transporting said juvenile to his

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1 home.

2 **SECTION SEVEN.** The parent(s) of the juvenile shall have violated this Ordinance
3 if, within twelve (12) months after receipt of a written warning notice pursuant to Section Six, a
4 second curfew violation against the same juvenile is issued.

5 **SECTION EIGHT. PENALTY.**

6 Upon conviction for a violation of this ordinance, punishment shall be imposed by
7 a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00)
8 or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment;
9 provided further, the sentencing court may suspend imposition of judgment or sentence upon parole
10 for the successful performance of supervised community public service of not less than twenty (20)
11 hours.

12 **SECTION NINE. SEVERABILITY CLAUSE.**

13 The sections of this Ordinance shall be severable. In the event that any section of this
14 Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining
15 sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are so
16 essentially and inseparably connected with, and so dependent upon, the void section that it cannot
17 be presumed that the Aldermen would have enacted the valid sections without the void ones, or
18 unless the Court finds that the valid sections, standing alone, are incomplete and incapable of being
19 executed in accordance with the legislative intent.

20 **SECTION TEN. EMERGENCY CLAUSE.**

21 This ordinance being necessary for the immediate preservation of the public peace,

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1 health and safety, it is hereby declared to be an emergency measure and shall take effect upon
2 approval or adoption.

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